

Appl. No. 10/560,422
Amendment dated: September 29, 2008
Reply to OA of: July 1, 2008

REMARKS

Applicants have amended the specification and claims to more particularly define the invention taking into consideration the outstanding Official Action.

Applicants note with appreciation the Examiner's indication of allowable subject matter in that claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the outstanding Official Action and to include all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1 by incorporating the allowable subject matter of claim 8, as well as the limitations of claim 4, into claim 1 thereby making claim 1 an allowable claim, as well as any dependent claims thereon. Claims 4 and 8 have been canceled from the present application in view of the redundancy of the claims.

Applicants submit that all of the claims now present in the application are fully supported by the specification as originally filed and no new matter is introduced.

Applicants note that receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The objection to the abstract of the disclosure for the reasons set forth on page 2 of the Official Action has been obviated in view of the amendments to the specification. Accordingly, it is most respectfully requested that this objection be withdrawn.

The rejection of claims of claims 1-14 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is carefully considered but most respectfully traversed in view of the amendments to the claims and the following comments.

With respect to amended claim 1, the wording "steps a) and b) being performed in an optional order, followed by".. in original claim 1 has been deleted. For the same reason "reaction mixture" in original claim 1 has been amended to "mixture", "reaction" has been deleted, to overcome the 112 rejection of lacking antecedent basis. Applicants believe that this amendment is obvious and does not need any further

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reference to the specification. Finally, the typographical error in claim 10 has been corrected as requested by the Examiner. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and clearly patentable over the references of record.

The rejection of claims 1-2, 5-6 and 9 under 35 USC 102 (b) as being anticipated by Moyer et al. has been carefully considered but most respectfully traversed in view of the amendments to the claims and the following comments.

Applicants wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Furthermore, Applicants note that the Examiner states on page 9 of the Official Action that "none of the art of record teaches or fairly suggest a method for determining prothrombin time of blood sample by calculating the International Normalized Ratio (INR) of the sample using the equation set forth in claim 8", now amended claim 1. Accordingly, it is most respectfully requested that this rejection be withdrawn.

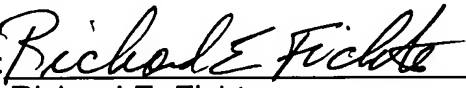
The rejection of claims 7, 10 and 12-14 under 35 USC103(a) as being unpatentable over Moyer et al. has been carefully considered but most respectfully traversed in view of the amendments to the claims and the above comments with respect to the anticipation rejection over this reference. Accordingly, it is most respectfully requested that this rejection be withdrawn.

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The rejection of claims 1-7 and 10-14 under 35 USC 103(a) as being unpatentable over Applicant's admitted prior art on pages 1-2 of the instant specification in view of Zweig has been carefully considered but most respectfully traversed in view of the amendments to the claims and the above comments with respect to the anticipation rejection over these references. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,
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